

United States
District of

District Court
Massachusetts

Joseph Marion Head
vs

Unknown Parties
No. 04-40089-RGS

And
United States of America
No. 04-40090-RGS

And

United States of America,
State of North Carolina,
David L. Winn
No. 04-40103-RGS

And

Numbers Below As Applies

04-CV-10522

04-CV-11120

04-CV-40042

04-CV-40084

04-CV-40090

04-CV-40103

Notice of Appeal
In Forma Pauperis
As To Each Case
And
Motion For Appointment
of Counsel On Appeal
Of Each Case

Now comes, Joseph Marion Head, who pro se
gives notice of appeal to the First Circuit
Court of Appeals, from the Final Order of
United States Federal District Court Judge, Richard
G. Stearns, dated November 4, 2004, dismissed
without prejudice. The above intitutes cause for

said order, appellant objects thereto and makes exceptions thereto as legally applies.

The Issues On Appeal Are

Each presented claim and ground etc.
in the above entitled cause and
all others of prison and court records
relating to appellant which may be
presented on appeal hereof. As to all
the aforesaid, see the prison and court
records relating to the aforesaid and
appellant herein and Records of F.M.C. Devens
Relating To Appellant herein.

Signed, Joseph Marion Head Reg. No.
17547-056

N-2 Cell 219, F.M.C. Devens
Post office Box 879
Ayer, Massachusetts, 01432

Date This Notice of Appeal sent
to the District Court, Boston, Ma.
November 17th, 2004

Joseph Marion Head Reg. No. 17547-056

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-40089- RGS

JOSEPH MARION HEAD

v.

UNKNOWN PARTIES, et al.

CIVIL ACTION NO. 04-40090- RGS

JOSEPH MARION HEAD

v.

UNITED STATES OF AMERICA, et al.

CIVIL ACTION NO. 04-40103- RGS

JOSEPH MARION HEAD

v.

UNITED STATES OF AMERICA,
STATE OF NORTH CAROLINA, and DAVID L. WINN

ORDER OF DISMISSAL

November 9, 2004

STEARNS, D.J.

The plaintiff Joseph Head, Jr. is a serial filer and an established nuisance in any number of federal courts. In 2004, this session has been assigned seven cases instituted

by Head.¹ On September 17, 2004, this court issued an Order enjoining Head from filing further petitions without leave of court.

The above caption identifies Head's cases currently pending in this session. These cases will be dismissed and are to be refiled only with the prior permission of the court. The court relies on its authority to sua sponte dismiss cases that are patently frivolous or incurable by amendment. See Clorox Co. Puerto Rico v. Proctor & Gamble Commercial Co., 228 F.3d 24, 30-31 (1st Cir. 2000). Cf. Neitzke v. Williams, 490 U.S. 319, 329 (1989). Accordingly, cases 04-cv-40089, 04-cv-40090, and 04-cv-40103 are DISMISSED without prejudice.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE

¹Those cases are enumerated as follows: 04-cv-10522; 04-cv-11120; 04-cv-40042; 04-cv-40084; 04-cv-40089; 04-cv-40090; and 04-cv-40103.



UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS
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